MINUTES

Staff Coordination on Portland Harbor Projects with USACE Permits
September 22, 2015

Overarching goals:

1. Interagency information sharing on project-specific permit process and technical aspects;
2. readying applicants to submit complete applications for timely processing;
3. on-going interagency and applicant conferring as projects move forward or change;
4. development of sideboards, impact type batches, and standard conditions or performance measures to apply for consistency and workload balance; and
5. smoothing the path for in-water remediation requirements/conditions that are consistent with past/current permits.

We began at 1:30pm with a presentation on Gunderson's Area 3 (ASD) bank conceptual proposal to address contamination in the bank, to be implemented in tandem with and dependant on EPA's in-water remedy for PH. Attendees were: Michael LaDouceur and Marcia Heer (USACE), Genevieve Angle and Janine Castro (NMFS), Alex Liverman, Sara Christensen and Dan Hafley (DEQ), Eva DeMaria and Sean Sheldrake (EPA), Dave Harvey (Gunderson), Chris Breemer and Herb Clough (Apex) and Andrew Jansky (Flowing Solutions). Participation by phone included: Melinda Butterfield (DSL), Rick Kepler (ODFW), Lance Peterson, Scott Coffey and Jennifer Jones (CDM for EPA).

Gunderson distinguished the presentation from the current permit under consideration for rock placement in discrete areas to complete interim erosion control in the same bank area. A Feasibility Study is being revised through DEQ's cleanup program process describing final remedy action alternatives to address the contaminated bank in conjunction with EPA' remedy for Portland Harbor. Dredging is currently being considered as EPA's remedy for the sediment in front of this bank.

Gunderson presented a slide show with historical photos and background information on filling of the bank with dredged material and the former use of the uplands and bank area for shipbreaking and autoshredding that resulted in significant concentrations of PCBs, metals and dioxins to depths of 25 feet within the bank. As such, it is impracticable for all of the contamination to be removed. The is an outfitting dock and gantry structures in front of the bank, which are substantial structures that are currently used for facility operations.

While design details cannot yet be fully developed, given unknowns of the EPA remedy, concepts include some removal and grading to less steep slopes and cap placement. A range of stable bank slopes will be presented in the revised FS, from 1.5:1, 3:1, and 5:1 in portions.

ODFW expressed a preference for 5:1 or 7:1 slopes at beach areas to create/enhance shallow water habitat, with connection to adjacent riparian and natural upland areas.

EPA clarified, that with EPA as the lead agency for the federal CERCLA action, USACE, state, and local permits would not be in play. Consultation with NMFS & USFWS will still be required, as well as conformance with substantive requirements of the CWA Section 401 certification process.

Mitigation was discussed. Genevieve confirmed NMFS' position that the Habitat Equivalency Analysis (HEA) takes into account starting with low value habitat and also expressed the preference for the project to be designed as "self-mitigating" and resorting to mitigation nearby or off site only after all

project design efforts have been exhausted. Janine indicated that she had not seen slopes steeper than 2:1 being able to successfully support adequate vegetation (for stability).

There was general acknowledgement of site constraints, given the continuing operation of the facility. There was also general agreement that best efforts to design for improving stability and habitat could be achieved with some combinations of approaches. This will best be achieved by periodic input from permitting agencies as the design moves forward.

The Gunderson representatives and consultants and Janine Castro left at 2:30 and the PGE project proponents arrived. These included: Jake Neal (PGE), Brad Rawls and Heidi Nelson, and by phone Jason Palmer (AECOM). Tom Murtaugh (ODFW) also joined and David Lacey (DEQ) replaced Dan Hafley.

PGE presented a proposal to cap contaminated sediment in the Willamette River over approximately 1.3 acres at river mile 13.1. The entire capping area is below OHW, with some portions coming onto the beach above OLW. City OF 33 draining ~22 industrial acres and and two ODOT outfalls draining parts of I-5 and I-84 discharge to the area. OF 33 was the original source of contamination, delivering PCBs from a floor drain at the former PGE Hawthorne Building and PCBs and other contaminants during fire suppression at the Rexall Taylor property. Both sites were cleaned up through DEQ's programs and OF 33 id planned for repair/replacement/rerouting by the City in 2016.

There are also four PGE utility lines and a City water main traversing the capping area. Three lines are suspended over a pit formed by a leak from the water main. A well used public dock also thrusts into the cap area and is impacted by the pit. There is a pile field within the cap area that is proposed for removal. The City has promoted a concept for making a new public access beach adjacent to the project area.

Hydraulic modeling has been completed to determine that river velocities require a minimum of 2.5 inch rock on the beach for stability of the cap. Additional modeling on wave and wake action may increase rock size for stability.

The proposed cap includes carbon amendments at two small locations to address "hot spots" and the majority of the cap will be sand isolation with armor on top. Back filling of the pit must be addressed and a light weight solution to project the old water main. Riprap protection will be needed at the three outfalls. Piles are proposed to be cut at the mudline, with residuals left in place to limit disturbance and improve cap stability. Approximately 2 feet of capping material will be placed over residual piles. Beach capping could be either several lifts of big and then smaller rock or geogrid cells.

DSL has ownership of the in-water cap and potentially parts of the beach cap.

Extensive local, state, and federal permitting coordination is needed. USACE NWP 38 should apply, which already had 401. DSL waiver applies. NMFS BO and EPA coordination is needed. Lots of pre-application meetings (particularly for local permits) are scheduled with hopes of USACE permit application submittal in Nov and issuance in May 2016.

NMFS indicated that proposing mitigation (making the design be "self-mitigating") without calculating HEA could help meet the aggressive schedule. The interrelated/interdependent

evaluation could also add delay. PGE indicating that the constraints of the City's plan, if it moves forward in tandem, could mean off site mitigation is needed. NMFS reiterated the preference for design to obviate the need for mitigation, then on site mitigation, then off site.

DEQ indicated that ODOT coordination on stormwater treatment from the high traffic discharges would be needed to prevent potential recontamination of the cap and offered to help coordinate that.

DSL indicated that a complete application, without several iterative bits and project changes, that reflects DEQ's ROD would help the waiver process meet the timeline.

USACE pointed out that getting EPA comments integrated and met prior to issuance of the BO would help meet the aggressive timeline.

ODFW mentioned consideration of recreation potential (public access beach) as a component of mitigation, particularly if there are riparian enhancements that can be made on site. NMFS thought keeping the recreation aspect out of the mix would help the BO process go smoother. ODFW also requested more information on whether the piles were creosote of untreated and what implications that has for cap effectiveness if residuals were left in place vs the disturbance produced to remove them.

Further coordination was offered by the agencies via email/calls as the design process moves forward.

We adjourned 3:45 pm.